

**REMARKS**

This is a preliminary amendment filed before receipt of a first Office Action. Claims 1-107 remain pending herein.

The specification has been amended herein without the addition of any new matter, but to merely conform the specification to the formal drawings submitted herewith. Specifically, the specification is amended to include reference number "344", which was inadvertently omitted from the specification and drawings as filed on September 27, 2000. Formal drawings are being filed herewith, along with a letter to the Chief Draftsperson requesting the addition of reference number "344" to FIGS. 3A and 3B. The specification is also amended to change all references to Figure "3" to Figures "3A and 3B", as Figure 3 is now depicted in two figures (Figures 3A and 3B) in the formal drawings filed herewith. Other than the addition of reference number 344 to identify the line coupling Realtime Reporting block 320 to Interactive Voice Response User Interface block 322, no further changes have been made to the drawings. Finally, the specification has also been amended to correct certain typographical errors. Again, no new matter has been added.

Attached hereto is a marked up version of the changes made to the specification by this preliminary amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

CONCLUSION

Applicant submits Claims 1-107 are in condition for examination, early notification of which is earnestly solicited. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant's attorney at (703) 435-9390 in order that any outstanding issues be resolved.

FEES

The Examiner is authorized to charge any underpayment or credit any overpayment of fees to Mayer Fortkort & Williams PC's Deposit Account, Account No. 50-1047 in connection with this amendment or any other communication.

Respectfully submitted,



Michael P. Fortkort (Reg. No. 35,141)

11/29/01

Attorney for Applicant  
Mayer Fortkort & Williams PC  
251 North Avenue West, 2<sup>nd</sup> Floor  
Westfield, NJ 07090  
(703) 435-9390 Telephone  
(703) 435-8857 Fax

\*\*NOTE, APPLICANT'S ATTORNEY HAS HAD A CHANGE OF ADDRESS SINCE THE APPLICATION WAS FILED ON SEPTEMBER 27, 2000. PLEASE ADDRESS ALL FUTURE CORRESPONDENCE TO THE ATTORNEY OF RECORD AT THE WESTFIELD, NEW JERSEY ADDRESS INDICATED ABOVE. A CHANGE OF ATTORNEY'S CORRESPONDENCE ADDRESS FORM IS FILED HEREWITH.\*\*

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

Page 5, please replace the paragraph beginning at line 18 with the following rewritten paragraph:

[FIG 3] FIGS 3A and 3B depict [depicts] an operational block diagram of details of the reporting and transaction block in FIG 1 in accordance with yet another aspect of the present invention.

Page 22, please replace the paragraph beginning at line 17 with the following rewritten paragraph:

Referring now to FIG 1, there is shown an operational block diagram of an exemplary embodiment 100 according to one aspect of the present invention. A signal source 101 in the environment generates a signal 103 that is captured by signal capture block 105 and transmitted to signal identification block 110 on line 107. Signal identification block 110 is described in greater detail below. Signal identification block 110 identifies the signal 103 from signal source 101 and passes the identification information (i.e., song ID) to reporting and transaction block 115 via line 113. User identification block 120 additionally provides the identity of the user (not shown) to the reporting and transaction block 115 on line 118, whereby the user may be informed

as to the identity of the signal as described more fully in the text accompanying [FIG 3] FIGS 3A and 3B below.

Page 32, please replace the paragraph beginning at line 3 with the following rewritten paragraph:

[FIG 3] FIGS 3A and 3B show [shows] details of the identification reporting and transactional aspects of the present invention embodied in reporting and transaction block 115 (FIG 1) and illustrates the highly integrated response mechanism to the user (i.e., a machine or person) who requested the signal identification. As indicated in [FIG 3] FIGS 3A and 3B, identification-reporting control block 310 of reporting and transaction block 115 receives the identification information (i.e., song ID) from signal identification block 110 via line 113. Identification and reporting control block 310 also receives user data, [illustratively] illustrative user options and user information signals (collectively indicated as lines 118 in [FIG 3] FIGS 3A and 3B) from user identification block 120 via user database 312 and line 117 as indicated.

Page 32, please replace the paragraph beginning at line 12 with the following rewritten paragraph:

User database 312 is optionally utilized to store detailed user information and may facilitate the user billing function as described above. Functional block 314 is interposed between user database 312 and identification reporting control block 310, as shown in [FIG 3] FIGS. 3A

and 3B, to implement data updates to the user database (e.g., the user account) on line 316 with such detailed information as a function of the input signals 113, 117, and 118, to identification reporting control block 310 and under the control of identification reporting control block 310 via control line 302. Thus, user database block 312 operates in a read/write manner. It will be appreciated that user database block 312 may be particularly beneficial in some applications. Any time a user captures a signal for identification, the service can leverage existing, and capture new, data and statistical rules. First, the service can log the signal identification for the user account, and every subsequent continued interaction with the service. Second, the service can use existing data about the user account to enhance the experience. This will create a highly personalized experience, whether it be custom user account settings and/or preferences, a personalized user website, or targeted advertising.

Page 33, please replace the paragraph beginning at line 4 with the following rewritten paragraph:

Referring again to [FIG 3] FIGS 3A and 3B, identification reporting control block 310 is operationally coupled via lines 304 and 306 to real-time reporting block 320 and offline reporting block 330. The user interaction with the arrangement of the present invention may be in real-time or delayed. Real-time reporting provides an instant response about the identified signal to the user. This real-time response may be in the form of data or voice. Voice annotation means that the user learns about the identified signal by listening to a voice report. After receiving the voice

report from voice annotation block 324, the user may be provided with additional options for further interaction, such as playback of the signal captured and purchase opportunities of the content identified (i.e., the user may place an order to purchase the song or album that was just identified). This interaction is characterized by being voice prompted, in that interactive voice response user interface block 322, functionally coupled via line 344 to identification reporting control block 310 through real-time reporting block 320 reads out the alternatives, asking the user to respond. The user provides such responses to the voice prompts provided by the service through keypad input or by voice (where in such instances, voice recognition methodologies are employed to translate the user's voice responses into usable system inputs). Functional blocks 324, 326, and 328 in [FIG 3] FIGS. 3A and 3B illustrate several additional options, voice annotation, song excerpt playback, and purchase options, respectively, that may be offered to the user in accordance with the invention. The purchase options, as noted above, provide a solution to the problem of music fans who attempt to purchase a particular song recording after hearing it being played or performed (for example, from a radio broadcast), but cannot recall the name of the song or artist. In accordance with this feature of the invention, the user may immediately purchase the desired recording via real-time purchase options block 328 immediately after receiving the voice report from voice annotation block 324.

Page 34, please replace the paragraph beginning at line 14 with the following rewritten paragraph:

Data responses are used to transmit information about the identified signal back to the user through an interface such as a WAP browser interface on mobile telephones, or other appropriate protocols over time. In [FIG 3] FIGS 3A and 3B, the WAP browser interface block 340 is operationally coupled on line 338 to real-time reporting block 320. Thus, the user has the option to interact further with arrangement 100 (FIG 1) by using such an interface in accordance with the principles of the invention. This particular interaction between user and service is characterized by being data prompted and does not need to rely upon voice.

Page 34, please replace the paragraph beginning at line 21 with the following rewritten paragraph:

However, a combination of voice and data is also contemplated as falling within the scope of the present invention as shown in [FIG 3] FIGS 3A and 3B, where such a combination creates a beneficial and seamless experience for the user. The technology platform in accordance with the invention advantageously integrates both voice and data (respectively through IVR and web-based operations, for example) so that the user's experience with a service utilizing the principles of the invention is consistent and seamless across all interfaces (including those identified in operational blocks 322, 340, and 350: interactive voice response interface, WAP browser interface, and internet browser interface, respectively).

Page 35, please replace the paragraph beginning at line 6 with the following rewritten paragraph:

Delayed reporting takes places at a point in time when the user has disconnected from the service, i.e., after the step of signal capture shown in signal capture block 105 (FIG 1). Delayed reporting (or “offline” reporting), whether voice or data, is accomplished by sending information about the identified signal to the user via an Internet browser, email message, SMS message or other communication methodologies. This feature of the present invention is shown in [FIG 3] FIGS 3A and 3B with interface browser interface block 350, SMS text messaging block 360 and email information block 370 being operationally coupled to offline reporting block 330 on lines 332, 334, and 336, respectively. A combination of the three modes of offline reporting is possible and may be preferred in some applications of the invention.

Page 35, please replace the paragraph beginning at line 16 with the following rewritten paragraph:

Delayed reporting further may include the option for further interaction with a service which utilizes the principles of the present invention, such as playback, purchase opportunities, and the like. The blocks operationally coupled and depicted to the right of real-time reporting block 320 and offline reporting block 330 in [FIG 3] FIGS 3A and 3B thus represent data and/or signal outputs from reporting and transaction block 115 to users or other constituencies. More particularly, with respect to real-time reporting, interactive voice response user interface block

322 provides output data from voice annotation block 324, song excerpt playback block 326, and real-time purchase options block 328 back to the user (in this illustrative example of the invention via the return channel of the duplex call on the user's mobile telephone) as shown on line 372 of [FIG 3] FIGS 3A and 3B. Similarly, WAP browser interface block 340 and online information browsing options block 342 provide interactive data output to the user on line 374.

Page 36, please replace the paragraph beginning at line 5 with the following rewritten paragraph:

With respect to offline reporting, internet browser interface block 350 and online purchase options block 352 provide output on line 376 while SMS text messaging block 360 and email information block 370 provide output data, to the mobile telephone user in this illustrative example of the invention, via lines 378 and 380 in [FIG 3] FIGS. 3A and 3B. Output from reporting and transaction block 115 is also directed to statistical data logger 130 (FIG 1).

Page 36, please replace the paragraph beginning at line 10 with the following rewritten paragraph:

As with real-time purchase option block 328 in [FIG 3] FIGS 3A and 3B, WAP browser interface 340 and internet browser interface 350 are operationally coupled to online purchase options block 352 on lines 341 and 351, respectively. Online purchase options block 352 may implement the same type of functionalities and alternatives options discussed when describing

real-time purchase options block 328 above. Similarly, online information browsing options block 342 is cross coupled to receive input from internet browser interface block 350 and WAP browser interface block 340 on lines 343 and 353, respectively.

Page 37, please replace the paragraph beginning at line 6 with the following rewritten paragraph:

Online information browsing options block 342 may be used in certain applications of the invention to implement a number of desirable functionalities and features. For example, a user using a WAP or Internet browser could access a service provider's website which utilizes the features provided by online information browsing options block 342 in [FIG 3] FIGS 3A and 3B in accordance with the invention, to recommend songs to friends, chat with other service users, play games (e.g., a game where users try to identify obscure song tracks sampled by other users), and other activities that are facilitated by internet's large reach. In addition, information browsing options block 342 may be used to implement the delivery of promotional materials (such as clips from albums) and special event tickets or merchandise, or manage archived data selected by that user such as sample and "wish" lists. Information browsing options block 342 may also be used to implement an interaction with the user to manage or search for other information.

Page 38, please replace the paragraph beginning at line 22 with the following rewritten paragraph:

With the exception of the first time customer registration, calls [with] will not require human intervention. The user may [chose] choose to receive a voice report relayed back on the mobile which provides the [desire] desired song identification from voice annotation block 324 ([FIG 3] FIGS 3A and 3B), or optionally, the user may receive an email with the name of the track, artist and album title, and links to the service provider's website which facilitates the user accessing a range of services as described above.

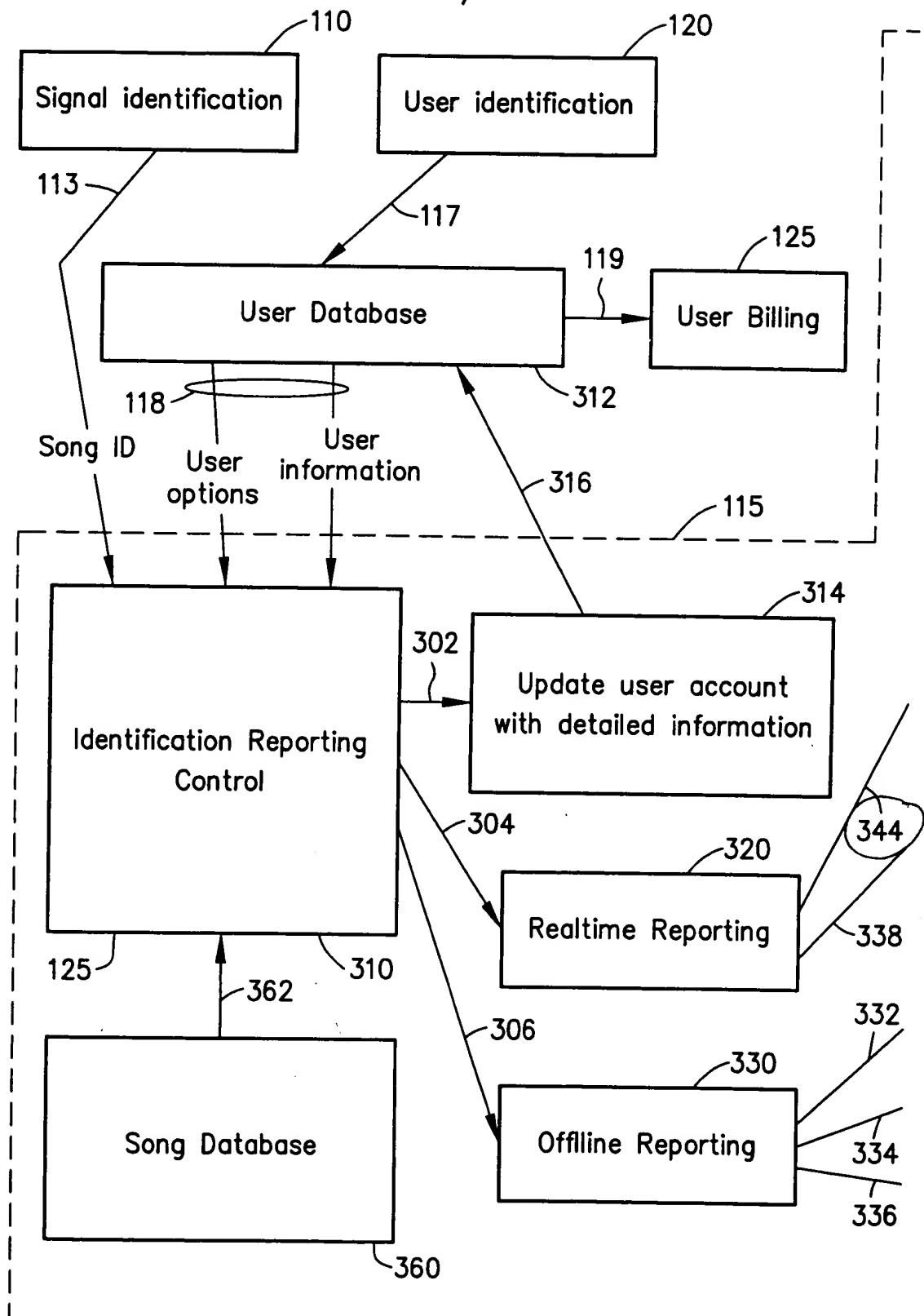


Fig. 3a

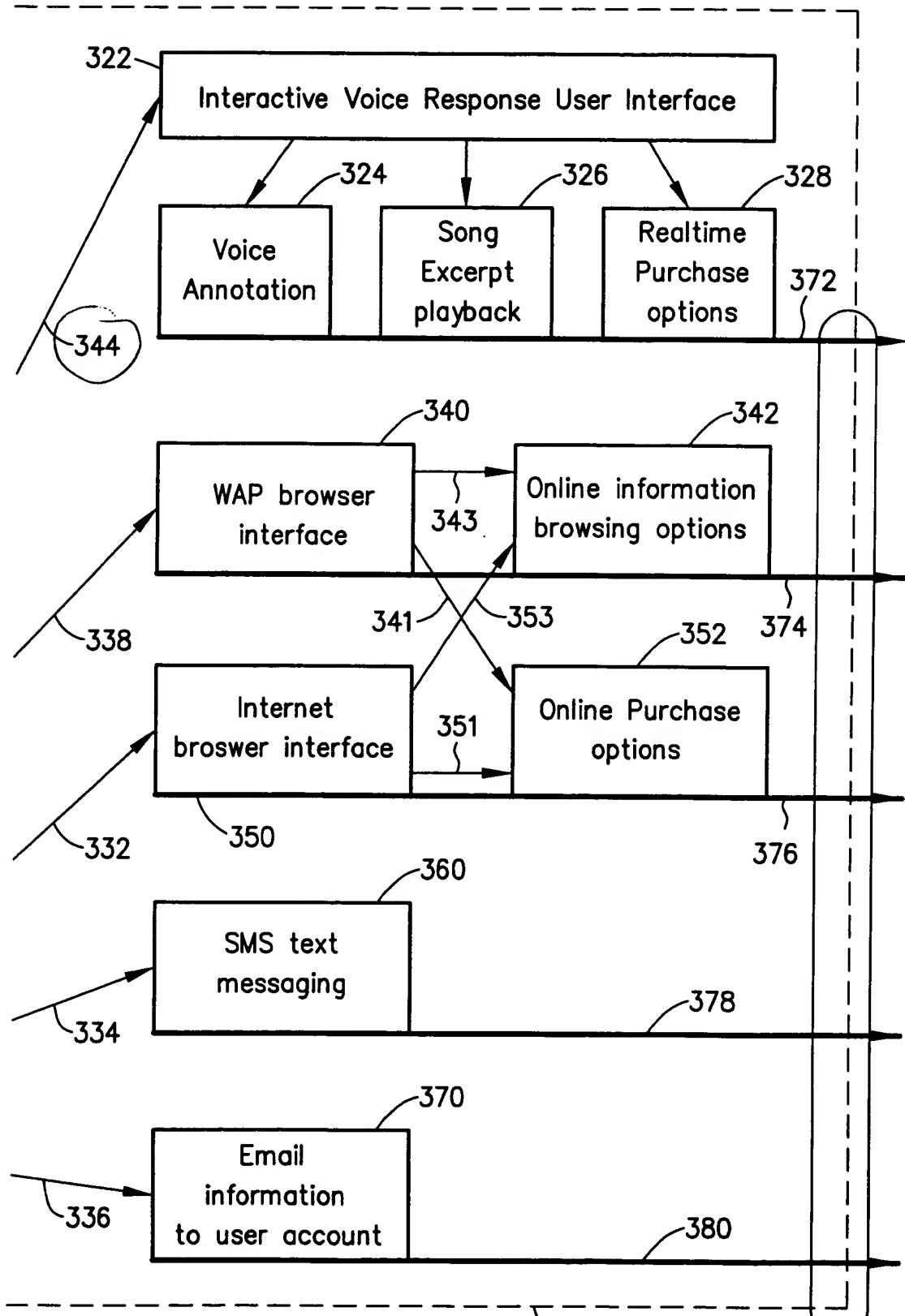


Fig. 3b